

# SENATE BILL No. 7

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-14-1-18; IC 35-52-3-12.1.

**Synopsis:** Use of fabricated media in elections. Defines "fabricated media" as any of the following that is created through a generative adversarial network or other generative artificial intelligence technology: (1) An altered facsimile of an audio or visual recording depicting an individual's speech, appearance, or conduct, the alteration of which: (A) is made without the individual's consent; (B) results in a materially inaccurate depiction of the individual's speech, appearance, or conduct; and (C) is such that a reasonable person would be unable to recognize that the recording has been altered. (2) An artificially generated audio or visual imitation of an individual that: (A) is created without the individual's consent; (B) is sufficiently lifelike that a reasonable person would be unable to distinguish the speech or appearance of the imitation from the speech or appearance of the individual; and (C) conveys a fictional depiction of the individual's speech, appearance, or conduct. (3) A depiction of the speech, appearance, or conduct of an artificially generated person, the appearance or speech of which is not a recognizable imitation of an identifiable individual. Prohibits a person from disseminating fabricated media, or entering into a contract or other agreement under which fabricated media is disseminated, if: (1) the person knows, or reasonably should know, that the media is fabricated media; (2) the fabricated media depicts an individual and the fabricated media is disseminated without the consent of the individual depicted in the fabricated media; (3) the fabricated media is disseminated less than ninety 90 days before an election; (4) the purpose of the dissemination is injuring a candidate in an election or influencing the outcome of an  
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**Effective:** Upon passage.

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January 8, 2024, read first time and referred to Committee on Corrections and Criminal Law.

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election; and (5) the fabricated media does not include a disclaimer that meets specified requirements. Provides that a person who knowingly and intentionally violates the prohibition commits: (1) a Class B misdemeanor; or (2) a Class A misdemeanor or a Level 5 felony under specified circumstances. Allows specified individuals to bring a civil action for injunctive relief against a person that violates the prohibition.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in *this style type*, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

# SENATE BILL No. 7



A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 3-14-1-18 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 18. (a) The following definitions apply**  
4 **throughout this section:**  
5 (1) **"Fabricated media" means any of the following that is**  
6 **created using, or the creation of which is substantially**  
7 **dependent on the use of, a generative adversarial network or**  
8 **other generative artificial intelligence technology:**  
9 (A) **An altered facsimile of an audio or visual recording**  
10 **depicting an individual's speech, appearance, or conduct,**  
11 **the alteration of which:**  
12 (i) **is made without the individual's consent;**  
13 (ii) **results in a materially inaccurate depiction of the**  
14 **individual's speech, appearance, or conduct as recorded**  
15 **in the unaltered recording; and**



- 1 (iii) is such that a reasonable person would be unable to  
 2 recognize that the recording has been altered.
- 3 **(B) An artificially generated audio or visual imitation of an**  
 4 **individual that:**
- 5 (i) is created without the individual's consent;  
 6 (ii) is sufficiently lifelike that a reasonable person would  
 7 be unable to distinguish the speech or appearance of the  
 8 imitation from the speech or appearance of the  
 9 individual; and  
 10 (iii) conveys a fictional depiction of the individual's  
 11 speech, appearance, or conduct.
- 12 **(C) A depiction of the speech, appearance, or conduct of an**  
 13 **artificially generated person, the appearance or speech of**  
 14 **which is not a recognizable imitation of an identifiable**  
 15 **individual.**
- 16 **(2) "Media" means:**
- 17 **(A) recorded audio;**  
 18 **(B) a recorded image; or**  
 19 **(C) recorded video.**
- 20 **(b) A person may not disseminate fabricated media, or enter**  
 21 **into a contract or other agreement under which fabricated media**  
 22 **is disseminated, if:**
- 23 **(1) the person knows, or reasonably should know, that the**  
 24 **media is fabricated media;**
- 25 **(2) the fabricated media is described in subsection (a)(1)(A) or**  
 26 **(a)(1)(B) and the individual depicted in the fabricated media**  
 27 **has not consented to dissemination of the fabricated media;**
- 28 **(3) the fabricated media is disseminated less than ninety (90)**  
 29 **days before an election;**
- 30 **(4) the person disseminates the fabricated media, or enters**  
 31 **into a contract or other agreement under which the fabricated**  
 32 **media is disseminated, for the purpose of:**
- 33 **(A) injuring a candidate in an election; or**  
 34 **(B) influencing the outcome of an election; and**
- 35 **(5) the fabricated media does not include a disclaimer that**  
 36 **meets the following requirements:**
- 37 **(A) The disclaimer must state: "Elements of this media**  
 38 **have been digitally altered or artificially generated."**
- 39 **(B) If the media is printed, the disclaimer must be printed**  
 40 **in a clear and conspicuous manner that complies with**  
 41 **IC 3-9-3-2.5(e).**
- 42 **(C) If the media is in the form of recorded audio, the**



- 1 disclaimer must be read:
- 2 (i) in each language used in the media;
- 3 (ii) at a speed and pitch at which the disclaimer is
- 4 reasonably understandable; and
- 5 (iii) at a volume that is not lower than the loudest audio
- 6 included in the media;
- 7 at the beginning of the media, at the end of the media, and,
- 8 if the media is more than two (2) minutes in length, at
- 9 intervals of two (2) minutes for the duration of the media.
- 10 (D) If the media is in the form of recorded video, the text
- 11 of the disclaimer must be:
- 12 (i) formatted such that the disclaimer, as displayed in
- 13 each frame of the video, would comply with
- 14 IC 3-9-3-2.5(e) if the frame were printed;
- 15 (ii) positioned horizontally and vertically within the
- 16 video image such that the disclaimer is clear and
- 17 conspicuous; and
- 18 (iii) displayed continuously for the duration of the media.
- 19 (c) Except as provided under subsection (d), a person who
- 20 knowingly and intentionally violates subsection (b) commits a Class
- 21 B misdemeanor.
- 22 (d) The offense under subsection (c):
- 23 (1) is a Class A misdemeanor if the person commits the
- 24 offense with intent to cause violence or bodily harm; and
- 25 (2) is a Level 5 felony if the person has a prior unrelated
- 26 conviction for a violation of subsection (b) within the previous
- 27 five (5) years.
- 28 (e) Any of the following may bring a civil action for injunctive
- 29 relief against a person that violates subsection (b):
- 30 (1) The attorney general.
- 31 (2) A prosecuting attorney or city attorney.
- 32 (3) The individual depicted in the fabricated media.
- 33 (4) A candidate who:
- 34 (A) is injured; or
- 35 (B) is reasonably likely to be injured;
- 36 by dissemination of the fabricated media.
- 37 A court shall expedite the hearing of an action brought under this
- 38 subsection.
- 39 SECTION 2. IC 35-52-3-12.1 IS ADDED TO THE INDIANA
- 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 41 [EFFECTIVE UPON PASSAGE]: **Sec. 12.1. IC 3-14-1-18 defines a**
- 42 **crime concerning dissemination of fabricated media.**



1        **SECTION 3. An emergency is declared for this act.**

